



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Huston et al.

Serial No. 10/772,071

Filed: February 4, 2004

For: METHOD AND APPARATUS FOR
MESSAGE DISPLAY ON A GOLF
COURSE

Group Art Unit: 2681

Examiner: Gregory C. Issing

Atty. Dkt. No. 5863-00203

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service with sufficient postage as First-Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below.

2/17/05
Date

Pamela Derik
Pamela Gerik

**DECLARATION OF CHARLES D. HUSTON UNDER 37 C.F.R. § 1.131
REGARDING TAKAHATA**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

I, Charles D. Huston, hereby declare and state that:

1. Daryl Cornish and I are co-inventors of the subject matter claimed in U.S. Patent No. 5,364,093 ('93 Patent), which was issued on November 15, 1994. In addition, we are co-inventors of the captioned application. The Office Action mailed September 17, 2004 has cited as a reference against certain claims JP 3-134715 to Takahata et al. with an effective date of June 7, 1991.
2. In about February 1991, I began drafting the '93 Patent application while obtaining input (information and notes on specific embodiments of the invention) from Daryl Cornish. Exhibit A attached hereto is a printout from my Macintosh computer showing drafts of claims and abstract, created in February 1991. In addition, Exhibit A shows the "Last Modified" dates for various figures.
3. Patent preparation was difficult after the initiation of the Gulf War because of my military obligations, and was discontinued after April 3, 1991 when I was called to active duty by the Air Force Reserves, for F-16 training as a result of the Gulf War. A copy of my orders is attached hereto as Exhibit

B. During this time, I was unable to continue my work on the patent application as a result of my military obligations.

4. Formal training lasted under July 3, 1991, but my military obligations continued through November 1991 as indicated by my day planner for the period from July 1991 through December 15, 1991, attached hereto as Exhibit C, and by my Aircraft Logs attached hereto as Exhibit D.

5. Upon my return to work at Schlumberger on July 8, 1991, following the Fourth of July holiday, I was greeted by a mountain of work that had accumulated during my absence.

6. As such, during July and early August, the entirety of my time was consumed between my continuing military obligations and the backlog of work that had piled up at Schlumberger (*See Exhibits C and D*).

7. The remaining portion of August and early September was consumed by a vacation and my Mother's illness and death (*See Exhibit C*). Specifically, my vacation ran from Saturday, August 10, 1991 until Sunday, August 18, 1991, and consisted of a trip to Nebraska to visit family and attend a family reunion. My Mother's illness and death occupied my time from August 27, 1991 until September 16, 1991.

8. Following my mourning period, I returned to Schlumberger on September 6, 1991 and continued to catch up on my job duties, as well as prepare revised drafts of the '093 Patent application, and flying for the Air Force on at least six days in connection with my combat qualifications. Around this same time, I was also required to travel to Europe on Schlumberger business, which lasted from September 23, 1991 through October 12, 1991, during which time Daryl Cornish and I attended the same Schlumberger software conference (*See Exhibits C and D*).

9. Upon my return from Europe, my time was again consumed between Schlumberger and combat qualifications. In this regard, I flew five days in October 1991 and seven days in November 1991, including additional days of non-flying time, such as weekend drill (*See Exhibits C and D*).

10. Specifically, as indicated by my calendar and flight log (*Exhibits C and D*), I went to a family reunion in Nebraska from August 10, 1991 until August 18, 1991; I was on military status (actual flight days) on September 7, 8, 18, 19, 21, and 22, 1991; I went to Europe on Schlumberger business from

September 23, 1991 until October 12, 1991; and I was on military status (actual flight days) on October 17, 19, 23, 30, and 31, 1991 and November 1, 2, 5, 16, 17, 19, and 26, 1991. In addition, I pulled more military duty than shown by my flight days, listed above.

11. In the midst of my busy schedule, I continued to revise the application for the '093 Patent during September, October, and November 1991. The attached computer files are evidence of continuing work during this period, although my computer overwrites the date for each computer file with the date the file was last modified.

12. In addition to the activity described above, also during November 1991 and early December 1991, Daryl Cornish and I reviewed the '093 Patent application and discussed changes and revisions thereto.

13. Daryl Cornish's input regarding radio communication was one item I was waiting on to complete the '093 Patent application.

14. In addition, Daryl Cornish and I had been attempting to obtain a GPS receiver to build a working model, such efforts proved unsuccessful since the Gulf Ware largely used up any remaining supply of GPS receivers.

15. The Patent Office originally indicated that the Takahata reference had a publication date of September 1991. I now understand the Patent Office believes the effective date of Takahata is June 7, 1991.

16. Upon information and belief, it is my informed understanding that diligence in reducing the invention to practice was therefore maintained from at least as early as just prior to June 7, 1991 through the filing of the parent application on December 10, 1991. We did not abandon, suppress, or conceal the ideas in the application for the '093 Patent during at least the time beginning just prior to June 7, 1991 through the filing on December 10, 1991.

17. I declare that all statements made herein of my own knowledge are true, and that all statements of my own belief are believed to be true, and further that these statements were made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under the United States

Code, Title 18 § 1001, and that such willful false statements may jeopardize the validity of the patent, and any reexamination certificate issuing thereon.

February
17 ~~*January*~~ *2005*
Date

Charles D. Huston
Charles D. Huston